

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Order of Restitution

v.

KERRY GORDON,

18 Cr. 289 (SHS)

Defendant.

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Danielle Kudla, Assistant United States Attorney, of counsel; the presentence investigation report; the defendant's conviction; and all other proceedings in this case; and with the consent of the defendant, through counsel, it is hereby ORDERED that:

1. Amount of Restitution

The defendant shall pay restitution in the total amount of \$7,320,657, pursuant to 18 U.S.C. § 3663A, to the victims of the offenses charged. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

A. Joint and Several Liability

Restitution is joint and several among the defendants in this case (i.e., Robert Locust, Ryan Rainford and Peter Kalkanis), as well as defendants Sady Ribiero, Adrian Alexander, George Constantine, and Andrew Dowd in 21 Cr. 530 (SHS), and defendant Reginald Dewitt in 17 Cr. 633 (VEC). The defendant's liability to pay restitution shall continue unabated until either the

defendant has paid the full amount of restitution ordered herein, or every victim set forth in this Order and in Schedule A, attached hereto, has recovered the total amount of its loss.

2. Defendant's Joint and Individual Liability and Apportionment Among Victims

Restitution shall be paid to the victims identified in below, and as set forth in Schedule A, on a percentage basis. The defendant is jointly and severally liable for restitution to each victim as set forth in Schedule A.

3. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

A. In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). The defendant will commence monthly installment payments of at least fifteen percent (15%) of the defendant's gross income, payable on the 15th of each month, immediately upon entry of this judgment.

This schedule is without prejudice to the Government taking enforcement actions, pursuant to 18 U.S.C. § 3613, to the extent warranted.

C. Pursuant to 28 U.S.C. § 2044 and 18 U.S.C. § 3611, the Court shall order any money belonging to and deposited by a defendant with the Clerk of Court for the purposes of a criminal appearance bail bond to be applied to the payment of restitution.

3. Payment Instructions

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his name and the docket number of this case on each check or money order.

4. Change in Circumstances

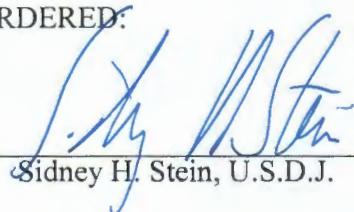
The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

5. Term of Liability

The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

Dated: New York, New York
September 26, 2023

SO ORDERED:



Sidney H. Stein, U.S.D.J.